

OTHER MACHINERY FIXTURES AND EQUIPMENT

(Attachment to Part 8 - #50)

JMC Mechanical, Inc. (hereinafter "JMC") generally owns all machinery and equipment located at 9 Broadway, Wapakoneta, Ohio 45895.

JMC has been a manufacturing company for some nine (9) years, primarily in the field of sheet metal manufacturing and specialty plumbing/HVAC installation materials until approximately September, 2015. JMC has fulfilled contracts for a company known as FMI Enterprises, Inc. (hereinafter "FMI") by and through a company known as Bruner Corporation (hereinafter "Bruner").

JMC terminated its operations on June 30, 2015. The building and manufacturing equipment have remained idle and substantially undisturbed from that date.

The real estate known as 9 Broadway, Wapakoneta, Ohio, belongs to Richard McCormick Enterprises LLC which is owned and controlled by John McCormick. In January, 2012, Richard McCormick Enterprises LLC leased the 9 Broadway property to the debtor, JMC, for a term that extends from January, 2012, for fifteen (15) years until December, 2027. Said Lease is still in full force and effect.

On or about August 1, 2016, Richard McCormick Enterprises LLC, with the consent of JMC, entered into a lease under which FMI could use the leased premises as a fabrication shop for a term of two (2) years commencing August 1, 2016, and continuing until July 31, 2018.

Pursuant to a Motion for Temporary Restraining Order, Preliminary and Permanent Injunction filed in the Auglaize County Common Pleas Court (2017-CV-30) on February 13, 2017, "the Lease includes the entire building and all related structures surrounding the premises, if not otherwise a part thereof, and all grounds, parking spaces, sidewalks and other common areas." The Memorandum in support of the Motion states that FMI was required to pre-pay \$240,000.00 as rent for the entire Lease term, plus "additional assets". It continues that FMI intended to use the lease premises for business purposes as a fabrication shop and that "in addition, it is the location of certain pieces of equipment that were the subject of a General Assignment and Bill of Sale from John McCormick to FMI dated June 2, 2016.

Debtor claims ownership of all or essentially all of the property (machinery, equipment, inventory, parts, office equipment, etc.) contained in the building while acknowledging that FMI was permitted to utilize equipment located therein for the purpose of continuing the manufacture of sheet metal products which had previously been manufactured by JMC for FMI prior to its cessation of business.

As a general statement, the property at 9 Broadway has not been utilized or entered for any purpose whatsoever from December, 2015, to the date of the filing of the within case, other than the occasional entrance for the purpose of retrieving company business records located therein and/or to permit access to utility companies and the fire department for safety inspections.

It is impossible to enumerate with any accuracy the inventory of machinery etc. without accessing the building which contains all of the property belonging to JMC as well as all of the business records pertaining to the operation of the business prior to its cessation in December, 2015.

Since debtor has been barred and enjoined from entering the premises during the term of the Lease, it is unable to compile what would be an extensive listing of machinery, equipment, inventory, supplies, etc.

Should the Trustee be able to gain access to the property and permission to be accompanied by an appropriate representative of the Debtor, they will assist the Trustee in any way to identify and compile a listing of the property belonging to JMC, however, being under the effective control of FMI until the termination of its Lease on July 31, 2018.